

6 Wilderness Preservation and Management

The National Park Service will evaluate all lands it administers for their suitability for inclusion within the national wilderness preservation system. For those lands which possess wilderness characteristics, no action that would diminish their wilderness suitability will be taken until after Congress and the President have taken final action. The superintendent of each park containing wilderness will develop and maintain a wilderness management plan to guide the preservation, management, and use of the park's wilderness area, and ensure that wilderness is unimpaired for future use and enjoyment as wilderness.

6.1 GENERAL STATEMENT

The National Park Service will manage wilderness areas for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness. Management will include the protection of these areas, the preservation of their wilderness character, and the gathering and dissemination of information regarding their use and enjoyment as wilderness. The public purpose of wilderness in the national parks includes the preservation of wilderness character and wilderness resources in an unimpaired condition, as well as for the purposes of recreational, scenic, scientific, education, conservation, and historical use.

6.2 IDENTIFICATION AND DESIGNATION OF THE WILDERNESS RESOURCE

The National Park Service will use the following wilderness study process to consider National Park Service areas for inclusion within the congressionally designated National Wilderness Preservation System.

6.2.1 Assessment of Wilderness Suitability or Nonsuitability

All lands administered by the National Park Service, including new units or additions to existing units since 1964, will be evaluated for their suitability for inclusion within the National Wilderness Preservation System. A wilderness suitability assessment will consist of a brief memorandum, from the Regional Director to the Director, to be completed no later than one year after the establishment of the park or the acquisition of new lands, that makes a managerial determination as to the suitability of the new unit or new acreage to be studied for wilderness designation, either as a new wilderness area or as an addition to an existing area.

National Park Service lands will be considered suitable for wilderness if they are at least of five thousand acres or a sufficient size to make practicable their preservation and use in an unimpaired condition, and if they possess the following characteristics (as identified in the Wilderness Act):

- The earth and its community of life are untrammelled by man -- man himself is a visitor who does not remain;

- The land retains its primeval character and influence, without permanent improvements or human habitation;
- The land generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
- The land is protected and managed so as to preserve its natural conditions; and
- The land has outstanding opportunities for solitude or a primitive and unconfined type of recreation;

A wilderness area may also contain significant ecological, geological, or other features of scientific, educational, scenic, or historical value; although it does not need these things to be considered suitable for wilderness designation.

Lands that have been logged, farmed, grazed, mined, or otherwise utilized in ways not involving extensive development or alteration of the landscape may also be considered suitable for wilderness designation if, at the time of assessment, the effects of these activities are substantially unnoticeable or their wilderness character could be maintained or restored through appropriate management actions.

An area will not be excluded from a determination of wilderness suitability solely because established or proposed management practices require the use of tools, equipment, or structures, if those practices are necessary to meet the minimum requirements for the administration of the area as wilderness.

In the process of determining wilderness suitability, lands will not be excluded solely because of existing rights or privileges (e.g., mineral exploration and development, commercial operations, agricultural development, grazing, or stock driveways). If the National Park Service determines that these lands possess wilderness character, these areas may be included in the suitability determination so that they can be considered for designation as wilderness or potential wilderness.

Lands containing aboveground utility lines will normally not be considered as suitable for wilderness designation, but they can be considered as suitable for "potential" wilderness designation if there is a long-term intent to remove the lines. Although relocation outside the wilderness is preferable, areas containing underground utility lines may be included if the area otherwise qualifies as wilderness and the maintenance of the utility line, including use of mechanized and motorized equipment, is administered under minimum requirement procedures identified in the park's Wilderness Management Plan. No new utility lines may be installed in wilderness, and existing utility lines may not be extended or enlarged except as provided for in ANILCA section 1106 (16 USC 3166).

Historic features that are primary attractions for park visitors will generally not be recommended as suitable for wilderness designation. However, an area that attracts visitors primarily for the enjoyment of solitude and unconfined recreation in a primitive setting may also contain cultural resource features and

still be included in wilderness. Historic trails may serve and be maintained as part of the wilderness trail system, as identified and coordinated within an approved wilderness management plan and the park's cultural resource plan.

The Service will involve the public in the wilderness suitability assessment process through notification of its intentions to conduct the assessment and publication of its determination, either as "suitable" or as "unsuitable" for further wilderness study. Notification will include the issuance of news releases to local and regional newspapers and the publication of final suitability determination in the *Federal Register*.

The final determination of an area's suitability, or unsuitability, as wilderness must be approved by the Director before publication of the final suitability determination in the *Federal Register*. For areas determined to be unsuitable for wilderness designation, the wilderness preservation provisions in these Management Policies are no longer applicable.

6.2.2 Wilderness Studies

Lands and waters found to possess the characteristics and values of wilderness, as defined in the Wilderness Act and determined suitable pursuant to the wilderness suitability assessment, will be formally studied to develop the recommendation to Congress for wilderness designation. The National Park Service will continue to undertake wilderness studies for newly acquired lands or units that have been determined suitable as a result of the wilderness suitability assessment. Also, studies will be made for lands where subsequent legislation directs wilderness studies be made, and any areas where there are public requests that these studies be conducted and the National Park Service has completed a wilderness suitability assessment with a determination of suitability.

Wilderness studies will be supported by appropriate documentation of compliance with NEPA and NHPA. The Council on Environmental Quality requires environmental impact statements (EISs) for wilderness studies that will result in recommendations for designations (i.e. proposals for legislation to designate as wilderness).

6.2.2.1 Potential Wilderness: A wilderness study may identify lands that are surrounded by or adjacent to lands proposed for wilderness designation but that do not themselves qualify for immediate designation due to temporary, non-conforming or incompatible conditions. The wilderness recommendation forwarded to the Congress by the President may identify these lands as "potential" wilderness for future designation as wilderness when the non-conforming use has been removed or eliminated. If so authorized by Congress, these potential wilderness areas will become designated wilderness upon the Secretary's determination, published in the *Federal Register*, that they have finally met the qualifications for designation by the cessation or termination of the non-conforming use.

6.2.2.2 Proposed Wilderness: The findings and conclusions of a formal wilderness study will be forwarded from the Director to the Department of the Interior (Assistant Secretary's Office) as "proposed" wilderness. The proposed wilderness recommendation will identify park lands which are being

recommended for immediate wilderness designation as well as any identified ~~as~~ "potential" wilderness.

6.2.3 Recommended Wilderness

The Secretary of the Interior is responsible for recommending to the President those lands under his/her jurisdiction which qualify for inclusion within the National Wilderness Preservation System. The Secretary performs this function through the Assistant Secretary's Office by reviewing Park Service proposed wilderness and approving or revising the proposal. The final approved proposal is forwarded to the President for his consideration. The President is then responsible for transmitting, to the President of the Senate and the Speaker of the House of Representatives, his recommendations with respect to wilderness designation. These recommendations must be accompanied by maps and boundary descriptions. The National Park Service will track the status of the wilderness designation process.

6.2.4 Designated Wilderness

After the President formally transmits the wilderness recommendation to the Congress, which may consider the President's wilderness recommendations and enact the legislation needed to establish the area within the National Wilderness Preservation System as "designated" wilderness and/or "potential" wilderness. The National Park Service will assist the Department and the Congress in this process as requested.

6.3 WILDERNESS RESOURCE MANAGEMENT

6.3.1 General Policy

For the purposes of applying these policies, the term "wilderness" will include the categories of suitable, study, proposed, recommended, and designated wilderness. Potential wilderness may be a subset of any of these five categories. The policies apply regardless of category.

In addition to managing these areas for the preservation of the physical wilderness resources, planning for these areas must ensure that the wilderness character is likewise preserved. This policy will be applied to all planning documents affecting wilderness.

The National Park Service will take no action that would diminish the wilderness suitability of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed. Until that time, management decisions pertaining to lands qualifying as wilderness will be made in expectation of eventual wilderness designation. This policy also applies to potential wilderness, requiring it to be managed as wilderness to the extent that existing non-conforming uses allow. The National Park Service will seek to remove the temporary, non-conforming conditions that preclude wilderness designation. All management decisions affecting wilderness will further apply the concepts of "minimum requirements" for the administration of the area regardless of wilderness category.

(See Reference Manual 41, section VI)

6.3.2 Responsibility

National Park Service responsibility for carrying out wilderness preservation mandates will be shared by the Director, regional directors, and superintendents of parks with suitable, study area, proposed, recommended and designated wilderness. Interagency cooperation and coordination and training responsibilities will also be carried out at the Washington, region, and park levels. Specific wilderness management responsibilities will be assigned at each of these administrative levels to carry out these responsibilities effectively and to facilitate efforts establishing agency and interagency consistency in wilderness management techniques.

The National Wilderness Steering Committee and the Wilderness Program Manager for the National Park Service will provide the Directorate with recommendations and advice to permanently establish a system of accountability, consistency, and continuity for National Park Service wilderness management.

6.3.3 Consistency

The National Park Service will seek to achieve consistency in wilderness management objectives, techniques, and practices on both an agency and an interagency basis. Accordingly, the National Park Service will seek to maintain effective intra-agency and interagency communications and will encourage, sponsor, and participate in intra-agency and interagency training and workshops designed to promote the sharing of ideas, concerns, and techniques related to wilderness management. However, the need for interagency consistency will in no way diminish any established National Park Service wilderness standards and values.

6.3.4 Wilderness Related Planning and Environmental Compliance

Policies on wilderness planning and compliance include the following:

6.3.4.1 Zoning for Wilderness: As appropriate, all categories of wilderness will be zoned for visitor experiences and resource conditions consistent with their wilderness values in the management zoning system for each park. Management zoning or other land use classifications will not diminish or reduce the maximum protection to be afforded lands with wilderness values. Transition zones adjacent to wilderness may be identified to help protect wilderness values, but no transitional or "buffer" zones are appropriate within wilderness boundaries.

6.3.4.2 Wilderness Management Planning: The superintendent of each park containing wilderness resources will develop and maintain a wilderness management plan or equivalent planning document to guide the preservation, management, and use of these resources. The wilderness management plan will identify desired future conditions, as well as establish indicators, standards, conditions, and thresholds above which management actions will be taken to reduce human impacts to wilderness resources.

The park's wilderness management plan may be developed as a separate document or as an action component of another planning document. Wilderness management plans will be supported by appropriate documentation of compliance with NEPA and NHPA. The plan will be developed with public involvement, and will contain specific, measurable management objectives that address the preservation and interpretation of natural and cultural resources within wilderness in order to achieve the purposes specified by the Wilderness Act and other pertinent legislation.

6.3.4.3 Environmental Compliance: Proposals having the potential to impact wilderness resources will be evaluated in accordance with National Park Service procedures for implementing NEPA. Those procedures include the use of categorical exclusions, environmental assessments (EAs) and/or EISs. Administrative actions impacting wilderness must be addressed in either the EA or EIS accompanying the approved wilderness management plan, or as a separate environmental compliance document.

Managers contemplating the use of aircraft or other motorized equipment within wilderness must consider impacts to the aesthetics and traditions of wilderness, as well as the costs and efficiency of the equipment.

In evaluating environmental impacts, the National Park Service will take into account wilderness characteristics and values, including the primeval character and influence of the wilderness; the preservation of natural conditions (including the lack of man-made noise); and assurances that there will be outstanding opportunities for solitude, that the public will be provided with a primitive and unconfined type of recreational experience, and that wilderness will be preserved and used in an unimpaired condition. Managers will be expected to appropriately address cultural resources management considerations in the development and review of environmental compliance documents impacting wilderness resources.

6.3.5 Minimum Requirement

All management decisions affecting wilderness must be consistent with the minimum requirement concept. This concept is a documented process used to determine if administrative activities effecting wilderness resources or the visitor experience are necessary and how to minimize impacts. The minimum requirement concept will be applied as a two-step process that determines:

- Whether the proposed management action is appropriate or necessary for administration of the area as wilderness; and will not have a significant impact on wilderness resources and character; and
- The techniques and type of equipment needed to ensure that impact to wilderness resources and character is minimized.

In accordance with this policy, superintendents will apply the minimum requirement concept in the context of wilderness management planning as well as to all other administrative practices, proposed special uses,

scientific activities and equipment use in wilderness. When determining minimum requirement, the potential disruption of wilderness character and resources will be considered before, and given significantly more weight than, economic efficiency and convenience. If a compromise of wilderness resources or character is unavoidable, only those actions that preserve wilderness character and/or have localized, short-term adverse impacts will be acceptable.

While park managers have flexibility in identifying the method used to determine minimum requirement within the approved wilderness management plan, the method used must clearly weigh the benefits and impacts of the proposal, document the decision process, and be supported by an appropriate environmental compliance document. Parks with no approved wilderness management plan must develop a separate process to determine minimum requirement until the plan is finally approved. Parks will complete a minimum requirement analysis on those administrative practices and equipment use that have the potential to impact wilderness resources or values. The minimum requirement concept cannot be used to rationalize permanent roads or inappropriate or unlawful uses in wilderness.

Administrative use of motorized equipment or mechanical transport will be authorized only:

- If determined by the superintendent to be the minimum requirement needed by management to achieve the purposes of the area as wilderness, including the preservation of wilderness character and values, or
- In emergency situations (search and rescue) involving the health or safety of persons actually within the area. Such management activities will be conducted in accordance with all applicable regulations, policies, and guidelines, including minimum requirement protocols as practicable.

Such management activities will also be conducted in accordance with all applicable regulations, policies, and guidelines and, where practicable, will be scheduled to avoid creating adverse resource impacts or conflicts with visitor use.

(See Reference Manual 41, section IV.C.2)

6.3.6 Scientific Activities in Wilderness

The statutory purposes of wilderness include scientific activities, and these activities are encouraged and permitted when consistent with the agency's responsibilities to preserve and manage wilderness.

6.3.6.1 General Policy: The National Park Service has a responsibility to support appropriate scientific activities in wilderness, and to use science to improve wilderness management. The National Park Service recognizes that wilderness can and should serve as an important resource for long-term research, study, and observation of ecological processes and the impact of humans on these ecosystems. The National Park Service further recognizes that appropriate scientific activities may be critical to the long-term preservation of wilderness.

Scientific activities are to be encouraged in wilderness. Even those scientific activities (including inventory, monitoring, and research) that involve a potential impact to wilderness resources or values (including access, ground disturbance use of equipment, animal welfare, etc) should be allowed when the benefits of what can be learned outweigh the impacts on the wilderness resource or values. However, all such activities must also be evaluated using the minimum requirement concept and include documented compliance which assesses impacts against benefits to wilderness. This process should assure the activity is appropriate and utilizes the minimum tool required to accomplish project objectives.

Scientific activities involving prohibitions identified in section 4 (c) of the Wilderness Act (16 USC 1133(c)) may be conducted within wilderness when:

- The desired information is essential for the understanding, health, management or administration of wilderness, and the project cannot be reasonably modified to eliminate or reduce the nonconforming wilderness use(s); or if it increases scientific knowledge, even when this serves no immediate wilderness management purposes, provided it does not compromise wilderness resources or character. The preservation of wilderness resources and character will be given significantly more weight than economic efficiency and/or convenience.
- Compliance with the NEPA (including completion of documented categorical exclusions, environmental assessments/findings of no significant impact, or environmental impact statements/records of decision) and other regulatory compliance (including compliance with section 106 of NHPA (16 USC 470f)) is accomplished and documented.
- All scientific activities will be accomplished in accordance with terms and conditions adopted at the time the research permit is approved. Later requests for exceptions to the Wilderness Act will require additional review and approval.
- The project will not significantly interfere with other wilderness purposes (recreational, scenic, educational, conservation or historical) over a broad area or for a long period of time.
- The minimum requirement concept is applied to implementation of the project.

Research and monitoring devices (e.g., video cameras, data loggers, meteorological stations) may be installed and operated in wilderness if: (1) the desired information is essential for the administration and preservation of wilderness and cannot be obtained from a location outside of wilderness without significant loss of precision and applicability; and (2) the proposed device is the minimum requirement necessary to accomplish the research objective safely.

Park Managers will work with researchers to make National Park Service wilderness area research a model for use of low-impact, less intrusive techniques. New technology and techniques will be encouraged if they are less intrusive and cause less impact. The goal will be for studies in National Park Service

wilderness to lead the way in light on the resource techniques.

Devices located in wilderness will be removed when determined to be no longer essential. Permanent equipment caches are prohibited within wilderness. Temporary caches must be evaluated using the minimum requirement concept.

All scientific activities, including the installation, servicing, removal, and monitoring of research devices, will apply minimum requirement concepts and be accomplished in compliance with Management Policies, Director's Orders, and procedures specified in the park wilderness management plan.

(See Studies and Collections 4.2)

6.3.6.2 Monitoring Wilderness Resources: In every park containing wilderness, the conditions and long-term trends of wilderness resources will be monitored to identify the need for or effects of management actions. The purpose of this monitoring will be to ensure that management actions and visitor impacts on wilderness resources and character do not exceed standards and conditions established in an approved park plan.

As appropriate, wilderness monitoring programs may assess physical, biological and cultural resources, and social impacts. Monitoring programs may also need to assess potential problems that may originate outside the wilderness, in order to determine the nature, magnitude, and probable source of those impacts.

6.3.7 Natural Resources Management

The National Park Service recognizes that wilderness is a composite resource with interrelated parts. Without spectacular natural resources, especially indigenous and endemic species, a wilderness experience might not be possible. Natural resources are critical, defining elements of the wilderness resource, but need to be managed within the context of the whole. Natural resource management plans will be integrated with and cross-reference wilderness management plans. Pursuing a series of independent component projects, such as single species management, in wilderness will not necessarily accomplish the over-arching goal of wilderness management. Natural resources management in wilderness will include and be guided by a coordinated program of scientific inventory, monitoring, and research.

The principle of non-degradation will be applied to wilderness management, and each wilderness area's condition will be measured and assessed against its own unimpaired standard. Natural processes will be allowed, in so far as possible, to shape and control wilderness ecosystems. Management should seek to sustain natural distribution, numbers, population composition, and interaction of indigenous species. Management intervention should only be undertaken to the extent necessary to correct past mistakes, the impacts of human use, and the influences originating outside of wilderness boundaries. Management actions, including restoration of extirpated native species, altered natural fire regimes, controlling invasive alien species, endangered species management, and the protection of air and water quality, should be attempted only when the knowledge and tools exist to accomplish clearly articulated goals.

6.3.8 Cultural Resources

Historic properties eligible for the National Register of Historic Places that have been included within wilderness will be protected and maintained according to the pertinent laws and policies governing cultural resources, using management methods that are consistent with preservation of wilderness character and values. These laws include the Antiquities Act of 1906, the 1935 Historic Sites, Buildings and Antiquities Act, as well as subsequent historic preservation legislation, including NHPA, ARPA, NAGPRA, and the American Indian Religious Freedom Act. The Secretary's Standards for Archeology and Historic Preservation projects provide guidelines for protection and maintenance. Cemeteries or commemorative features, such as plaques or memorials, that have been included in wilderness may be retained (including approved access to these sites), but no new cemeteries or additions to existing cemeteries may be made unless specifically authorized by federal statute, existing reservations, or retained rights. Native American religious areas and other ethnographic and cultural resources will be inventoried and protected. Native Americans will be permitted access within wilderness for sacred or religious purposes consistent with the intent of the American Indian Religious Freedom Act and the Wilderness Act and related laws.

(See Identification and Evaluation of Resources 5.1.3, Stewardship 5.3)

6.3.9 Fire Management

Fire management activities conducted in wilderness areas will conform to the basic purposes of wilderness. The park's fire management and wilderness management plans must identify and reconcile the natural and historic roles of fire in the wilderness, and will provide a prescription for response, if any, to natural and human-caused wildfires. If a prescribed fire program is implemented, these plans will also include the prescriptions and procedures under which the program will be conducted within wilderness.

Actions taken to suppress wildfires will use the minimum requirement concept, and will be conducted in such a way as to protect natural and cultural features and to minimize the lasting impacts of the suppression actions and the fires themselves. Information on developing a fire management program in wilderness is contained in Director's Order # 18: Fire Management.

(See Fire Management 4.5)

6.3.10 Management Facilities

Part of the definition of wilderness as provided by the Wilderness Act is "undeveloped federal land retaining its primeval character and influence, without permanent improvements." Accordingly, authorizations of NPS administrative facilities located in wilderness will be limited to the types and minimum number essential to meet the minimum requirements for the administration of the wilderness area. A decision to construct, maintain, or remove an administrative facility will be based primarily on whether or not such a facility is required to preserve wilderness character or values, not on considerations

of administrative convenience, economy of effect, or convenience to the public or park staff. Maintenance or removal of historic structures will additionally comply with cultural resource protection and preservation policies and directives, and the concept of minimal requirement management techniques for wilderness.

6.3.10.1 Administrative Facilities: Administrative facilities (e.g. ranger stations and/or patrol cabins, fire lookouts, radio and/or cellular telephone antennas, radio repeater sites, associated storage or support structures, drift fences, and facilities supporting trail stock operations) may be allowed in wilderness only if they are determined to be the minimum requirement necessary to carry out wilderness management objectives and are specifically addressed within the park's wilderness management plan or other supporting environmental compliance documents. New roads will not be built in wilderness. Temporary vehicular access may be permitted only to meet the minimum requirements of emergency situations, and will be restored, per an approved restoration plan, as rapidly as possible. Where abandoned roads have been included within wilderness, they may be used as trails, restored to natural conditions, or managed as a cultural resource.

No permanent heliports, helipads, or airstrips will be allowed in wilderness unless specifically authorized by statute or legislation. Temporary landing facilities may be used to meet the minimum requirements of emergency situations. Site improvements determined to be essential for safety reasons during individual emergency situations may be authorized, but no site markings or improvements of any kind may be installed to support non-emergency use.

6.3.10.2 Trails in Wilderness: Trails will be permitted within wilderness when they are determined to be necessary for resource protection and/or for providing for visitor use for the purposes of wilderness. The identification and inventory of the wilderness trail system will be included as an integral part of the wilderness management plan or other appropriate planning document. Trails will be maintained at levels and conditions identified within the approved wilderness management plan or planning document. Trail maintenance structures (e.g. waterbars, gabions, etc.) may be provided, under minimum requirement protocols, where they are essential for resource preservation, or where significant safety hazards exist during normal use periods. Historic trails will be administered in keeping with approved cultural resource plan requirements.

Borrow pits are not permitted in wilderness areas, with the exception of small quantity use of borrow material for trails which must be in accordance with an approved wilderness management plan.

6.3.10.3 Campsites and Shelters: The construction of new shelters for public use will generally not be allowed, in keeping with the values and character of wilderness. An existing shelter may be maintained or reconstructed only if the facility is necessary to achieve specific wilderness management objectives as identified in the park's wilderness and cultural resources management plans. The construction, use, and occupancy of cabins and other structures in wilderness areas in Alaska are governed by applicable provisions of ANILCA and by National Park Service regulations in 36 CFR Part 13, and may be permitted only under conditions prescribed in the park wilderness management plan.

Although the development of facilities to serve visitors will generally be avoided, campsites may be designated when essential for resource protection and preservation or to meet other specific wilderness management objectives. In keeping with the terms of the park's wilderness management plan, campsite facilities may include a site marker, fire rings, tent sites, food-storage devices, and toilets if these are determined by the superintendent to be the minimum facilities necessary for the health and safety of wilderness users, or for the preservation of wilderness resources and values. Toilets will be placed only in locations where their presence and use will resolve health and sanitation problems or prevent serious resource impacts, especially where reducing or dispersing visitor use is impractical or has failed to alleviate the problems. Picnic tables will not be allowed in wilderness.

6.3.10.4 Signs: Signs detract from the wilderness character of an area and make the imprint of man and management more noticeable. Only those signs necessary for visitor safety or to protect wilderness resources, such as those identifying routes and distances, will be permitted. Where signs are used, they should be compatible with their surroundings and the minimum size possible.

6.3.11 Wilderness Boundaries

Policies related to wilderness boundaries include the following:

6.3.11.1 Legal Descriptions and Boundary Maps: Every park with designated wilderness will possess a written legal description of the wilderness area and a map (or maps) which illustrates the legal description of the wilderness. Each park will ensure that the legal description and map(s) are filed in the appropriate locations.

(See Reference Manual 41, section IV.B.3.d.1 and Appendix G)

6.3.11.2 Caves: All cave passages located totally within the surface wilderness boundary will be managed as wilderness. Caves that have entrances within wilderness but contain passages that may extend outside the surface wilderness boundary will be managed as wilderness. Caves that may have multiple entrances located both within and exterior to the surface wilderness boundary will be managed in keeping with the surface boundary; those portions of the cave within the wilderness boundary will be managed as wilderness.

6.3.11.3 Waters in Wilderness: The NPS will manage all waters included within wilderness boundaries, and the lands beneath these waters (if owned by the United States) as wilderness, in keeping with established jurisdictions and authorities.

6.4 WILDERNESS USE MANAGEMENT

The National Park Service will encourage and facilitate those uses of wilderness that are in keeping with

the definitions and purposes of wilderness and do not degrade wilderness resources and character. Appropriate restrictions may be imposed on any authorized activity in the interest of preserving wilderness character and resources or to ensure public safety.

When resource impacts or demands for use exceed established thresholds or capacities, superintendents may limit or redirect use. Physical alterations, public education, general regulations, special regulations, permit systems, as well as local restrictions, public use limits, closures, and designations implemented under the discretionary authority of the superintendent (36 CFR 1.5 and Part 13; 43 CFR Part 36 for Alaska units), may all be used in managing use and protecting wilderness, if these actions are determined to be the minimally required level of management.

6.4.1 General Policy

Park visitors need to accept wilderness on its own unique terms. Accordingly, the National Park Service will promote education programs that encourage wilderness users to understand and be aware of certain risks, including possible dangers arising from wildlife, weather conditions, physical features, and other natural phenomena that are inherent in the various conditions that comprise a wilderness experience and primitive methods of travel. The National Park Service will not modify the wilderness area to eliminate risks that are normally associated with wilderness, but it will strive to provide users with general information concerning possible risks, any recommended precautions, related user responsibilities, and applicable restrictions and regulations, including those associated with ethnographic and cultural resources.

6.4.2 Wilderness Interpretation and Education

In the context of interpretive and educational planning, national park units with wilderness resources will: operate public education programs designed to promote and perpetuate public awareness of, and appreciation for, wilderness character, resources and ethics, while providing for acceptable use limits; focus on fostering an understanding of the concept of wilderness that includes respect for the resource, willingness to exercise self-restraint in demanding access to it, and an ability to adhere to appropriate, minimum-impact techniques; and encourage the public to use and accept wilderness on its own terms; i.e., the acceptance of an undeveloped, primitive environment and the assumption of the potential risks and responsibilities involved in using and enjoying wilderness areas. National Park Service interpretive plans and programs for wilderness parks will address the primary interpretive themes for wilderness. Education is among the most effective tools for dealing with wilderness use management problems and should generally be applied before more restrictive management tools.

(See Reference Manual 41, Appendix I)

6.4.3 Recreation Use Management in Wilderness

Recreational uses of National Park Service wilderness are generally those traditionally associated with wilderness and identified by Congress in the legislative record for the development of the Wilderness Act

and in keeping with the language provided by sections 2(a) and 2(c) of the Act itself (16 USC 1131(a) and (c)). These recreational uses of wilderness will be of a type and nature that ensure its use and enjoyment will leave it unimpaired for future use and enjoyment as wilderness, provide for the protection of the area as wilderness, and provide for the preservation of the wilderness character.

Recreational uses in National Park Service wilderness areas will be of a nature that enable the areas to retain their primeval character and influence; protect and preserve natural conditions; leave the imprint of man's work substantially unnoticeable; provide outstanding opportunities for solitude or primitive and unconfined types of recreation; and preserve wilderness in an unimpaired condition.

6.4.3.1 Recreation Use Evaluation: Recreational uses, particularly new and emerging activities, that compromise the stated purposes and definitions of wilderness or unduly impact the wilderness resource or the visitor experience within wilderness, will be evaluated to determine if these uses are appropriate, or should be limited or disallowed through use of the superintendents compendium in 36 CFR 1.5. Evaluation or re-evaluation should be accomplished within wilderness management plans or similar implementation plans. Recreational uses which do not meet the purposes and definitions of wilderness should be prohibited in NPS wilderness.

Significant changes in patterns or increased levels of use will not be authorized by special permit, administrative discretion, or authorities under a superintendents compendia, except in cases where sufficient information exists to adequately determine there is no significant impact on wilderness resources and values, including visitor experiences. These increased levels of use and changes in patterns of existing use will normally not qualify for a categorical exclusion under NEPA. Decisions regarding significant changes in patterns and new levels of use will require environmental analysis and review, including opportunity for public comment, in accordance with the requirements of NEPA.

6.4.3.2 Leave No Trace: "Leave-No-Trace" principles and practices will be applied to all forms of recreation management within wilderness, including commercial operations. Wilderness users will generally be required to carry out all refuse. Refuse is defined in 36 CFR 1.4.

(See Reference Manual 41, Appendix J)

6.4.3.3 Use of Motorized Equipment: Public use of motorized equipment or any form of mechanical transport will be prohibited in wilderness except as provided for in specific wilderness legislation. Operating a motor vehicle or possessing a bicycle in designated wilderness outside Alaska is prohibited (see NPS regulations in 36 CFR 4.30(d)(1)). However, section 4(d)(1) of the Wilderness Act (16 USC 1133(d)(1)) authorizes the Secretary, where legislation designating the wilderness specifically makes this provision applicable, to allow the continuation of motorboat and aircraft use under certain circumstances in which those activities were established prior to wilderness designation. Section 4(d)(1) gives the Secretary the discretion to manage and regulate the activity in accordance with the Wilderness Act, the NPS Organic Act, and individual park enabling legislation. As authorized, the National Park Service will administer this use to be compatible with the purpose, character, and resource values of the particular wilderness area involved. The use of motorized equipment by the public in wilderness areas in

Alaska is governed by applicable provisions of ANILCA and NPS regulations in 36 CFR Part 13 and 43 CFR Part 36. The specific conditions under which motorized equipment may be used by the public will be outlined in each park's wilderness management plan.

6.4.4 Commercial Services

Wilderness oriented commercial services that contribute to public education and visitor enjoyment of wilderness values or provide opportunities for primitive and unconfined types of recreation may be authorized if they meet the "necessary and appropriate" tests of the National Park Service Concessions Management Improvement Act of 1998, section 4(d)(6) of the Wilderness Act (16 USC 1133(d)(5)), and if they are consistent with the wilderness management objectives contained in the park's wilderness management plan. Activities such as guide services for outfitted horseback, hiking, mountain climbing, or river trips and similar activities may be appropriate and may be authorized if conducted under terms and conditions outlined in the park's wilderness management plan and/or in legislation authorizing these types of commercial use.

The only structures or facilities used by commercial services that will be allowed in wilderness will be temporary shelters, such as tents, or other specifically approved facilities that may be required (within the wilderness management plan) for resource protection and the preservation of wilderness values. Temporary facilities will generally be removed from the wilderness after each trip unless such removal will cause additional degradation of the wilderness resources. The use of permanent equipment and supply caches by commercial operators is prohibited within wilderness. Managers will ensure that commercial operators are in compliance with established "Leave-No-Trace" protocols.

(See Concessions 10.2, Commercial Use Authorizations 10.3; also see Reference Manual 48)

6.4.5 Special Events

The National Park Service will not sponsor or issue permits for special events to be conducted in wilderness if those events are inconsistent with wilderness resources and character, or do not require a wilderness setting to occur.

Permits will not be issued for special events that are commercial enterprises, or for competitive events, activities involving animal, foot or watercraft races, physical endurance of a person or animal, organized survival exercises, war games, or similar exercises in National Park Service wilderness areas.

6.4.6 Grazing and Livestock Driveways

Commercial grazing or driving of livestock in park wilderness will be allowed only as specifically authorized by Congress. Where these activities are authorized, they will be managed under conditions and requirements identified within the approved wilderness management plan and corresponding allotment management plans. The use of motorized vehicles, motorized equipment, or mechanical transport by

grazing permittees will not be allowed except as provided for by a specific authority. The construction of livestock management facilities other than those specifically authorized by legislation is prohibited.

Noncommercial grazing of trail stock used as part of an approved livestock management program within wilderness may be authorized in accordance with National Park Service regulations and conditions outlined in the wilderness management plan or stock use management plan. All approved livestock use must ensure preservation of wilderness resources and character. Superintendents will be responsible for monitoring livestock use in wilderness to the same degree as human use, and may use the same management tools and techniques, including the application of the minimum requirement concept to manage livestock use that are available for managing other wilderness uses.

6.4.7 Rights-of-Way

Existing rights-of-way that have been included in wilderness should be terminated or phased out where practicable. Rights-of-way subject to National Park Service administrative control should be administered under conditions outlined in the park's wilderness management plan which protect wilderness character and resources and limit the use of motorized or mechanical equipment. The National Park Service will not issue any new rights-of-way or widen or extend any existing rights-of-way in wilderness.

Rights-of-way and access procedures affecting wilderness areas in Alaska are governed by applicable provisions of ANILCA and regulations in 43 CFR Part 36 and 36 CFR Part 13.

6.4.8 Mineral Development

The National Park Service will seek to remove or extinguish valid mining claims and non-federal mineral interests in wilderness through authorized processes including purchasing valid rights. In parks where Congress has authorized the leasing of federal minerals, the National Park Service will take appropriate actions to preclude the leasing of lands or minerals within wilderness when, and wherever, it is authorized to do so. Lands included within wilderness will be listed as "excepted areas" under applicable regulations in 43 CFR Parts 3100 and 3500 (see section 3500.8).

Unless and until mineral interests and mining claims within National Park Service wilderness are eliminated, they must be managed pursuant to existing National Park Service regulations, policies, and procedures. A validity exam of unpatented claims in wilderness affected by a proposed plan of operations must be conducted by a Certified Mineral Examiner prior to plan approval. Motorized use in wilderness is allowed only with an approved plan of operations on valid claims and where there is no reasonable alternative. Motorized use for access can occur only on existing roads; there will be no new roads or improvement of existing roads unless necessary for resource protection or human safety. Any plan of operations that is approved will include stipulations on operations and reclamation that will ensure that long-term effects on the wilderness area are substantially unnoticeable.

6.4.9 Existing Private Rights

Wilderness designation does not extinguish existing private rights (e.g., fee simple interest, less-than-fee-simple interest, valid mineral operations, and rights-of-way).

6.4.10 Accessibility for Persons with Disabilities

The National Park Service will make available equal opportunities for people with disabilities in all programs and activities to achieve the highest level of accessibility. This includes the opportunity to participate in wilderness experiences. Management decisions responding to requests for special consideration to provide wilderness use by persons with disabilities must be in accord with the Architectural Barriers Act of 1968, The Rehabilitation Act of 1973 (as amended in 1978), and section 507(c) of the Americans with Disabilities Act of 1990 (42 USC 12207(c)). Such decisions should balance the intent of access and wilderness laws and find a way to provide the highest level of access that is feasible, while providing the highest level of protection for the wilderness resource.

The Secretary of the Interior's regulations regarding enforcement of nondiscrimination on the basis of disability in Department of Interior programs (43 CFR Part 17, Subpart E; see especially section 17.550) state that agencies are not required to take any actions or provide access that would result in a fundamental alteration in the nature of a program or activity. However, the agency has the burden of proving that compliance would result in a fundamental alteration. This concept is also found in section 507 of the Americans with Disabilities Act.

(See Reference Manual 41, section IV.C.9 and Appendix E)